

### **Remarks**

Reconsideration of the above-identified application is respectfully requested. Claims 21-40 are pending in this application.

In the Office Action mailed June 14, 2005, the Examiner rejected claims 21-40 under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 6,745,207 ("the '207 patent"). For the reasons set forth below, the Applicants respectfully traverse the Examiner's rejection of those claims.

#### **Rejection of Claims 21-40 Under 35 U.S.C. §102(e)**

As noted above, in the June 14, 2005 Office Action, the Examiner rejected claims 21-40 as anticipated by the '207 patent. The Applicants believe, however, that those claims are not anticipated by that reference.

Independent claims 21 and 26 are directed to a system and method for managing a plurality of virtual storage volumes available to a user for use in storage and retrieval of user data. As recited in claim 21, the system comprises a pool linked to at least one of the plurality of virtual storage volumes, and a controller for automatically allocating a storage device to the pool. As recited in claim 26, the method comprises automatically allocating a storage device to a pool and linking at least one of the plurality of virtual storage volumes to the pool.

Independent claims 31 and 36 are directed to a virtual volume management system and method. As recited in claim 31, the system comprises a plurality of virtual storage volumes available to a user for use in storage and retrieval of user data, a storage pool linked to at least one of the plurality of virtual storage volumes, and a controller for automatically allocating a storage device to the pool. As recited in claim 36, the method comprises providing a plurality of virtual storage volumes available to a user for use in storage and retrieval of user data, and automatically allocating a storage device to a storage pool and linking at least one of the plurality of virtual storage volumes to the pool.

In such a fashion, as an example, a user wishing to employ a storage device in a storage area network need not identify which servers will use the device and then install the appropriate software driver on all such servers. Instead, the claimed invention automatically allocates the device to a pool, accounting for and handling any differences between storage devices so that such differences are not apparent to a user. As a result, a user need not be involved in allocating a storage device to a pool. (*See, e.g.*, Specification; p. 7, l. 3 - p. 9, l. 13.)

The '207 patent is directed to a system and method for managing virtual storage. In contrast to the Applicants' claimed invention, those sections of the '207 patent cited by the Examiner in the June 14, 2005 Office Action merely disclose the manual creation of a virtual disk by assigning capacity in a storage pool to the new virtual disk, and possibly that such creation of a virtual disk may be automated. (*See, e.g.*, The '207 Patent; col. 12, ll. 18-38; col. 5, ll. 1-8.) That is different from and unrelated to automatic allocation of a storage device to a pool, the pool being linked to a virtual volume.

It therefore appears that the '207 patent fails to teach or suggest automatically allocating a storage device to a pool, as recited in independent claims 21, 26, 31 and 36. Indeed, in that regard, the '207 patent appears to suffer from the same problems associated with the prior art discussed in the present application, which the Applicants' claimed invention overcomes to provide the advantages described. (*See, e.g.*, Specification, p. 1, l. 11 - p. 2, l. 24; p. 5, l. 11 - p. 11, l. 8.)

As a result, for at least the foregoing reasons, the Applicants believe that independent claims 21, 26, 31 and 36 are not anticipated by the '207 patent. Claims 22-25, 27-30, 32-35 and 37-40 depend either directly or indirectly from independent claims 21, 26, 31 and 36, respectively, and include all the limitations thereof. As a result, and for at least the reasons set forth above concerning independent claims 21, 26, 31 and 36, the Applicants believe that claims 22-25, 27-30, 32-35 and 37-40 also are not anticipated by the '207 patent.

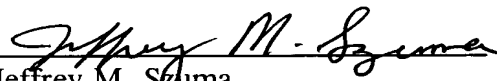
### **Conclusion**

For at least the foregoing reasons, the Applicants believe that claims 21-40 meet both the formal and substantive requirements for patentability, and that the application is in condition for allowance. Accordingly, such action by the Examiner is respectfully requested.

If a telephone conference would expedite allowance or resolve any additional questions, such a call is invited at the Examiner's convenience.

Respectfully submitted,

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Date: September 7, 2005

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